

AFFIDAVIT OF SALE UNDER RSA CHAPTER 450*
(Lien for Storage & Labor)

Important: Affidavit must be completed in full and notarized.

Now comes _____ of _____
and being duly sworn and under oath, states as follows:

1. That a lien existed on the following described vehicle: For Storage For Labor
Make _____ Model Yr. _____ Body Style _____ V.I.N. _____
in the amount of \$ _____, which has remained unpaid since _____ 2 _____. .
2. That notice of public sale of the vehicle was posted on _____, 2 _____ in the following locations:
 1. _____
 2. _____
3. That notice of public sale was also published on _____, 2 _____ in the following newspaper(s):

4. That upon inquiry sent by certified mail, return receipt requested, to the Department of Safety, Division of Motor Vehicles, the Town/City Clerk, and the Secretary of State, notice was given that the following liens existed on the vehicle:

5. That the owner(s) and the lienholder(s) [if any] noted above were notified of the sale and the amount of my lien by certified mail, return receipt requested, on _____, 2 _____.

Lienholder's Signature

STATE OF _____

Sworn to and subscribed before me this _____ day of _____, 2 _____.

Notary Public/Justice of the Peace

262:2 Report of Theft; Recovery of Unclaimed Vehicle.

I. A peace officer who learns of the theft of a vehicle not since recovered, or of the recovery of a vehicle whose theft or conversion he knows or has reason to believe has been reported to the department, shall forthwith report the theft or recovery to the department.

II. An owner or a lienholder may report the theft of a vehicle, or its conversion, if a crime, to the department, but the director may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the department.

III. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of 30 days, shall within 5 days after the expiration of that period, report the vehicle as unclaimed to the director. A vehicle left by its owner whose name and address are known to the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this paragraph forfeits all claims and liens for its garaging, parking or storing and shall be fined not more than \$25 for each day his failure to report continues.

IV. The department shall maintain and appropriately index weekly any cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The director may make and distribute copies of the records so maintained to police officers upon request without fee and to others for the fee, if any, the commissioner prescribes.

V. The director may suspend the registration of a vehicle whose theft or conversion is reported to him pursuant to this section; until the department learns of its recovery or that the report of its theft or conversion was erroneous, it shall not issue a certificate of title for the vehicle.

450:1 For Storage.

Any person who maintains a public garage, public or private airport or hangar or trailer court for the parking, storage or care of motor vehicles or aircraft or house trailers brought to his premises or placed in his care by or with the consent of the legal or equitable owner shall have a lien upon said motor vehicle or aircraft or house trailer, so long as the same shall remain in his possession, for proper charges due him for the parking, storage or care of the same.

450:2 For Labor.

Any person who shall, by himself or others, perform labor, furnish materials, or expend money, in repairing, refitting or equipping any motor vehicle or aircraft, under a contract expressed or implied with the legal or equitable owner, shall have a lien upon such motor vehicle or aircraft, so long as the same shall remain in his possession, until the charges for such repairs, materials, or accessories, or money so used or expended have been paid.

450:3 Notice and Sale.

If any of the charges referred to in this chapter shall remain unpaid for 60 days, the lienholder may sell such motor vehicle or aircraft or house trailer at public sale, and the proceeds, after first paying the expense of sale, shall be applied in payment of the charges, the balance, if any, to be paid to the debtor. Notice of such sale shall be given and record made as provided in RSA 444:3, 4 and 6.

444:3 Posting Notice of Sale.

Notice of such sale shall be given by posting notices thereof in 2 or more public places in the town where the property is situate 14 days at least before the sale, and, if the value of the property exceeds \$100, by publishing the notice.

444:4 Notice to Owner.

A notice of the sale shall be served upon the general owner, if resident in the county, the same number of days before the sale, stating in writing the time and place of sale, the property to be sold and the amount of the lien thereon.

444:4-a Notice to Lienholder.

A lienholder under this chapter shall inquire by writing, by certified mail return receipt requested, to determine from the division of motor vehicles of the department of safety, the secretary of state and the town clerk with regard to a motor vehicle and from the secretary of state and the town clerk with regard to other personal property, whether a lien exists upon the title to said motor vehicle or other personal property. Any such written inquiry that requests information on financing statements filed under RSA 382-A shall be in the form, and subject to the fees, required by that chapter. If no response is received by the lienholder from the department of safety, the secretary of state or the town clerk within 14 days after such inquiry has been received, sale of the motor vehicle or personal property may proceed as prescribed by this chapter. If determination is made under the above procedure that a lien exists, a notice of the sale under this chapter shall be sent by certified mail return receipt requested to each lienholder having a recorded lien on said automobile or personal property. The notice shall be sent at least 14 days prior to the date of the sale and shall include the date, time and place of said sale and the amount of the statutory lien claimed. Any lienholder having a recorded lien shall be entitled to redeem the personal property prior to the sale by payment of the amount of said statutory lien, and the lienholder shall have the right of possession from the individual or institution exercising said statutory lien.

444:6 Record.

The holder of the lien shall cause a copy of such notices and an affidavit of service, with an account of the sale and of the fees and charges thereon, to be recorded in the books of the town where the sale takes place. A certified copy of the record may be used in evidence.